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UNITED STATES DISTRICT COURT - NORTHERN DISTRICT OF ILLINOIS

Curtis Smith

Case NUMBER 06 CR 0441

Jerome Combs Detention Center

Prisoner Number 228499

RECEIVED  
APR 24 2008  
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MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

PETITIONER  
Curtis Smith

RESPONDENT  
V. United States Government, Department of Justice  
United States MARSHAL SERVICE

The ATTORNEY General OF The STATE OF ILLINOIS - Michael R. Levine

PETITION

1. (A) Name and location of court that entered the judgement of conviction you are challenging: United States District Court - Northeastern District of Illinois - EASTERN DIVISION, Chicago
- (B) Criminal docket or case number 06 CR 0441
2. (A) Date of the judgement of conviction: April 11, 2008.
- (b) DATE OF sentencing: July 24, 2008
3. Length of sentence: I DO NOT KNOW YET
4. In this case, were you convicted on more than one count or of more than one crime?  
YES ☒ (C) cases: one count of unlawful possession of a weapon by a felon
5. ONE COUNT OF POSSESSION OF CONTROLLED SUBSTANCE.
6. (A) What was your plea? (1) NOT GUILTY ☒
- (B) N-A (C) IF you went to trial, what kind of trial did you have? Jury ☒
7. Did you testify AT trial hearing? YES ☒
8. Did you appeal from the judgement of conviction? Yes ☒
9. IF you did appeal, answer the following: (A) Name of court: Northern District of Illinois, Eastern Division.
- (B) Case numbers: 06 CR 0441 (C) NONE YET (D) N-A (E) N-A (F) Grounds Raised:
- (1) The Law ENFORCEMENT ENFORCEMENT OFFICERS Michael O'Donnell and OFFICER Coray Walker VIOLATED my FOURTH Amendment Rights, the FIFTH, SIXTH, EIGHT and The FIFTH and Fourteenth Amendments Rights To The Federal Constitution + Perjury.
- (2) Did you seek further review by a higher state court? ☒ YES
- (3) Did you FILE a petition for certiorari in the United States supreme court?  
YES ☒
- (1) Docket or case number (if you know): N-A 08CV2441
- (2) Result: I DO NOT know YET JUDGE SHADUR
- (3) Date of result (if you know): N-A MAG. JUDGE KEYS
- (4) Citation To The case (if you know): I DO NOT know at this present time.

(10) No ☒

(11) (A) N-A  
(1 of 4)

Ground Raised:

- 12.(A)(1) The City of Chicago SIXTH District Police Micheal O'Donnell and OFFICER Coroy Walker are in violation of The Defendant Curtis Smith; The Fourth, The FIFTH, The SIXTH, The EIGHT, The FIFTH and FourTEETH Amendments RiGhts To The Federal CONSTITUTION.
- (2) OFFICER O'Donnell, and OFFICER Walker Did NOT have Reasonable Suspicion OF Criminal Activity was under way.
- (3) There was NOT Reasonably Related adequate Justification For The STOP OF vehicle.
- (4) The means OF INVESTIGATION employed was NOT Reasonably Related For Suspicion.
- (5) Therefore, Chicago Police OFFICER Walker, and OFFICER O'Donnell, improper Lack OF diligence created into an unconstitutional search and seizure OF The Defendant Curtis Smith person.
- (6) OFFICER O'Donnell, Lied, Committed PERJURY BEFORE The special Grand Jury number 2199-ARR: Date: 03-15-05, case number #05 CR 5199.
- (7) The TRANSCRIPT OF Testimony Taken in The Above ENTITLED Matter on The 22<sup>nd</sup> Day OF February, 2005., A.D.
- (8) OFFICER O'Donnell Testified on The Witness Stand Before The Honorable Judge William Hibbler on The 7<sup>th</sup> and 8<sup>th</sup> Day OF April, 2008, A.D. in which OFFICER O'Donnell Lied and Committed Perjury again Before The Court. Because Mr. O'Donnell Testimony had Changed again.
- (9) NONE OF OFFICER O'Donnell Statements in his City of Chicago Arrest Report number HL-153314 NOR, his Testimony Before The SPECIAL Grand Jury number #2199, MIRRORS Each OTHER. Moreover, Thereafter, The Facts The Law Enforcement OFFICERS knowingly and willfully Lied, Committed Perjury under Oath To gain, To Receive a True Bill OF an Indictment against Defendant Curtis Smith
- (10) The City of Chicago Police weapon inventory specialist Police OFFICER Lieutenant - <sup>I Don't Remember</sup> (his name) Testified on The witness stand That he Destroyed The very important - Rusted out Trigger Derringer Beaten-up PISTOL - Deem EXCULPATORY Evidencal Fact The Rusted out PISTOL was useless.
- (11) The City of Chicago AUTO POUND Destroyed The Very important - (Chevy - cargo work VAN, The passenger side door window handle was Broken completely OFF. Thus, The Facts are The window was Locked in the up position and could not be let down) - Deem EXCULPATORY Evidencal Fact was Deliberately Destroyed also. The Jurors should have been able To Enjoy Investigating This Physical Evidencal Facts OF The Real VAN and Real Rusted out pistol.
- (12) The prosecution Did NOT Produce The 33 years old Authentic, Original Rusted out Trigger Beaten-up Derringer pistol. Because it was deliberately Destroyed by The City of Chicago Police Department also. The Prosecution Produce a brand New shiny, Radiant, Bright, Bigger more Dangerous Looking weapon. With The new weapon prosecutor stated "This is the weapon defendant Smith had on his Lap in The front seat OF The VAN." That was False statement made by The Prosecutor
- (13) Therefore, The prosecutor Prejudiced The Jurors against Defendant with That OUT right Lie.
- (14) The Defendant was Prejudiced against when The Court allowed Prosecutor and Defendant Attorney Michael Finn To Change The interpretation OF Possession To include an area OF approximately 10' to 12' feet away in The rear partition OFF From The front seat section OF The Chevy cargo work VAN. Then also To include what was found in Steve Sanford Tool work Bag.

12.(A)(1)

(12)(A)

(15) The Defendant Curtis Smith Took The witness Stand To Tell The complete Truth of The matter with accurate and credible information. While Defendant was still informing The Jury about how Officers Stop his Vehicle, Defendant asked Officer O'Donnell For what are The Probable Cause have you handcuffed and arrested me officer?

(16) Officer O'Donnell stated "When I seen Vivian Jones a known prostitute get out of The Van And you wiping steam off The window and she - (Felicia Jackson) - sitting on his - (Steve Sanford) - Lap. When I ran your License plate number, Curtis you are a sex offender! Now you know I had to come check you out."

The complete Jury was saying ool - o - ool - OH - oool !

(17) Judge HIBBLER - Recalled The Jury out about 40 minutes Later into The open court Because one of The leading Jurors wanted To give Defendant Curtis Smith a Life Sentence For The 1994 sex Offense case. The complete Jury had Their minds made up upon convicting Defendant The Jurors were deliberating upon how much Time To give Defendant For The 1994 sex Offense case.

(18) The Jurors was not Thinking about, nor deliberating upon The January 30, 2005, A.D Case.

(19) Therefore after, The Facts, The Prosecution misled, Confused. Thus, Substantially over weighted Jurors with The unfair Prejudiced against Defendant Curtis Smith. Now, in which The Jurors Looked at The Defendant with out right Hatredness Destestableness in Their EYES Toward Defendant Curtis Smith at That Point in Time.

(20) Wherefore, Premises considered. Defendant Curtis Smith;

(21) Attorney Michael Finn is guilty of ineffective assistant of Counsel For Failure To timely Objection, Then allowed Prosecution To changed The Year of sex Offense From 1994, To 1995; Then The Attorney Failure To Produce unto The Jurors Photocopies of Officer O'Donnell Testimony Before The Special Grand Jury number #2199.

(22) Thus, IN The Light, That Those Evidenceal Facts would have clearly showed Officer O'Donnell was Boldly Lying, and courageously Committing Perjury Before The Court and Jurors, upon specific Defense Direct Examination at The hearing.

(23) The Court ABUSED IT DISCRETION by allowing The Prosecution To knowingly Violate The SUPREME COURT RULES 403, and 404. Thus, The Prosecution is

(12)(A) GUILTY OF PROSECUTORIAL MISCONDUCT.

(12)(B) N-A

DIRECT APP

12.(C)(1) N-A

A PERSON IN STATE CUSTODY

13. YES

14. YES, Case number: I have NOT Received Yet.

UNITED STATES DISTRICT COURT - NORTHEASTERN DISTRICT OF ILLINOIS - EASTERN DIVISION

16. (A) Jack I. Rodgon - 312-944-4200 - 640 NORTH LA SALLE STREET - SUITE 556 - CHICAGO, ILL. 60610-3731

Jack I. Rodgon was Hire about March, 2005. HE Stole about \$7,000.00 Dollars Cash + Check, He did not do any work or file ~~NO~~ subpoena. He file motion to quash Arrest and suppress Evidence Date was set for January 17, 2007 for hearing The motion Jack did not appear I was unable to contact Jack Rodgon UNTIL 6 months later. Jack Blew my speedy trial. Jack Rodgon was Fined he is guilty of InEffective assistant counsel and Jack Rodgon ~~Stolen~~ my mother money We want to know how to get our money Back that he stole from us Please send information on what we should do?  
Thank You!

16(B) MICHAEL FINN - 312-622-1022 - 53 W. Jackson Blvd STE 525 Chicago, IL 60604  
(C) " " " " " " " " " " " " " " " "

17. NO

18. N-A

Therefore, PETITIONER ASKS THAT THE COURT GRANT THE FOLLOWING RELIEF: Please GRANT MY MOTION OF A DIRECT VERDICT OF ACQUITTAL, MOTION TO DISMISS CHARGE, MOTION FOR A JUDGMENT OF ACQUITTAL and MOTION UNDER 28 U.S.C. § 2255 TO VACATE CONVICTION. Thank You! OR ANY OTHER RELIEF TO WHICH PETITIONER MAY BE ENTITLED.

Curtis Smith PROSE, REFER  
Signature of Attorney (if any)

I declare state UNDER PENALTY OF PERJURY THAT THE FORE GOING IS TRUE  
and CORRECT and That This Petition For WRIT OF Habeas CORPUS was placed in  
The MAILING system ON; APRIL 18, 2008, A.D.

*Curtis Smith* PROSE, REFER